

Child Welfare Statutory Time Requirements Report

Fiscal Year 2013
(July 1, 2012-June 30, 2013)



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I. Annual Reporting Requirements

Pursuant to Utah Code Ann. § 62A-4a-207 (2011), the Child Welfare Legislative Oversight Panel is charged with receiving a report from the Judicial Branch prior to October 1 of each year. The report shall identify the cases not in compliance with the time limits established in Section 78A-6-306 (1)(a), regarding shelter hearings, Section 78A-6-309, regarding pretrial and adjudication hearings, Section 78A-6-312, regarding dispositional hearings and reunification services, and Section 78A-6-314, regarding permanency hearings and petitions for termination, and the reasons for noncompliance.¹

II. Data

The data in this report consists of all new cases that entered the court system via a shelter hearing during FY 2013. (See Overview of Child Welfare Measures-July 1, 2012 to June 30, 2013 attached at page 9.) Included in this report are any cases that were previously active cases at some stage of the proceedings and had a subsequent hearing during FY 2013. Thus, the data represents a snap shot of all child welfare court proceedings during the one-year time frame, rather than tracking each individual case from start to finish in a single report.

Shelter Hearings (§78A-6-306)(1)(a)

(1) A shelter hearing shall be held within 72 hours excluding weekends and holidays after the removal of the child from the child's home by the division.

Of 1,343 shelter hearings, 1,321 shelter hearings or 98% occurred within the 72 hour requirement. The most frequently cited reason for delay was court scheduling conflicts.

Pretrial and Adjudication Hearings (§78A-6-309)

(1) Upon the filing of a petition, the clerk of the court shall set the pretrial hearing on the petition within 15 calendar days from the later of: (a) the date of the shelter hearing; or (b) the filing of the petition.

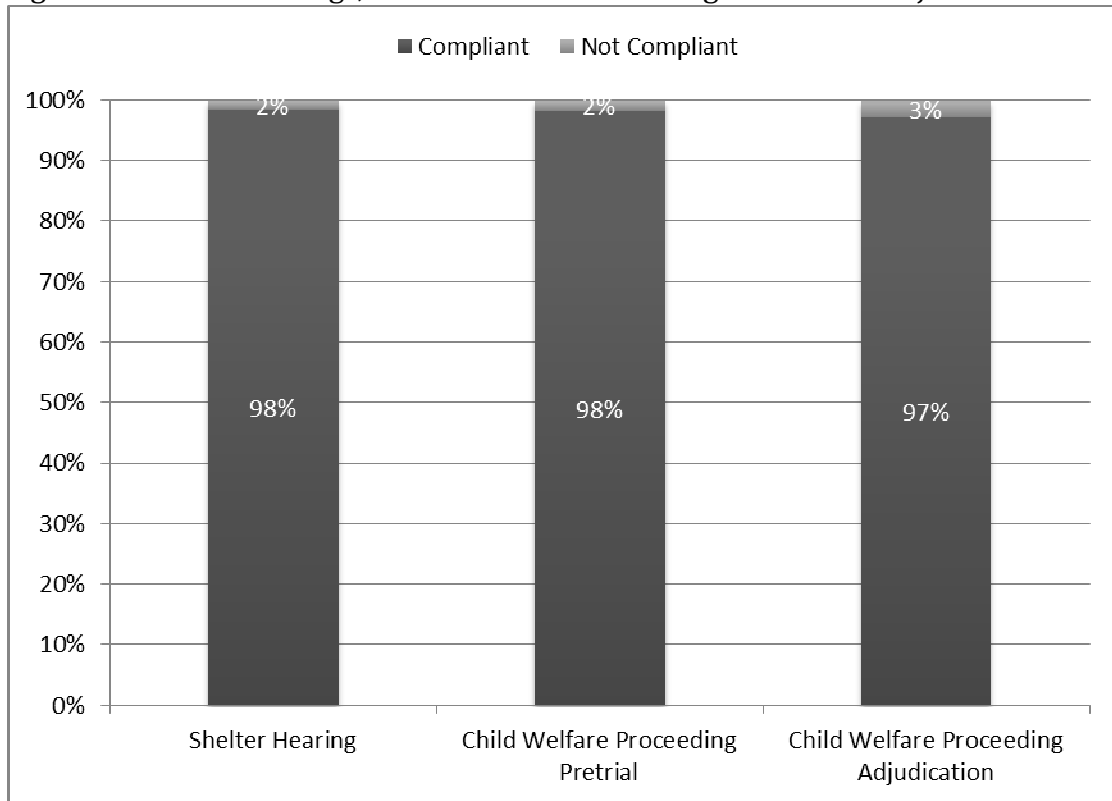
(2) The pretrial may be continued upon motion of any party, for good cause shown, but the final adjudication hearing shall be held no later than 60 calendar days from the later of: (a) the date of the shelter hearing; or (b) the filing of the petition.

Of 1,646 pretrial hearings, 98% occurred within the 15 day requirement. Of the small number of cases that were not compliant, the most common reasons for delay were stipulation of the parties, court scheduling conflicts, or mediation. Adjudication of the petition must take place within 60 days of the shelter hearing.

¹ U.C.A. §62A-4a-207(4)(c) (2011).

Of 1,648 adjudication hearings, 97% were held within the required time frame. Stipulations of the parties, mediation, or a request by the case or party also contributed to noncompliant cases in this category as well.

Figure 1. Shelter Hearings, Child Welfare Proceedings Pretrial & Adjudication



Dispositional Hearings and Reunification Services (§78A-6-311, 312)

Pursuant to §78A-6-311(2) a dispositional hearing “shall be held no later than 30 calendar days after the date of the adjudication hearing.”

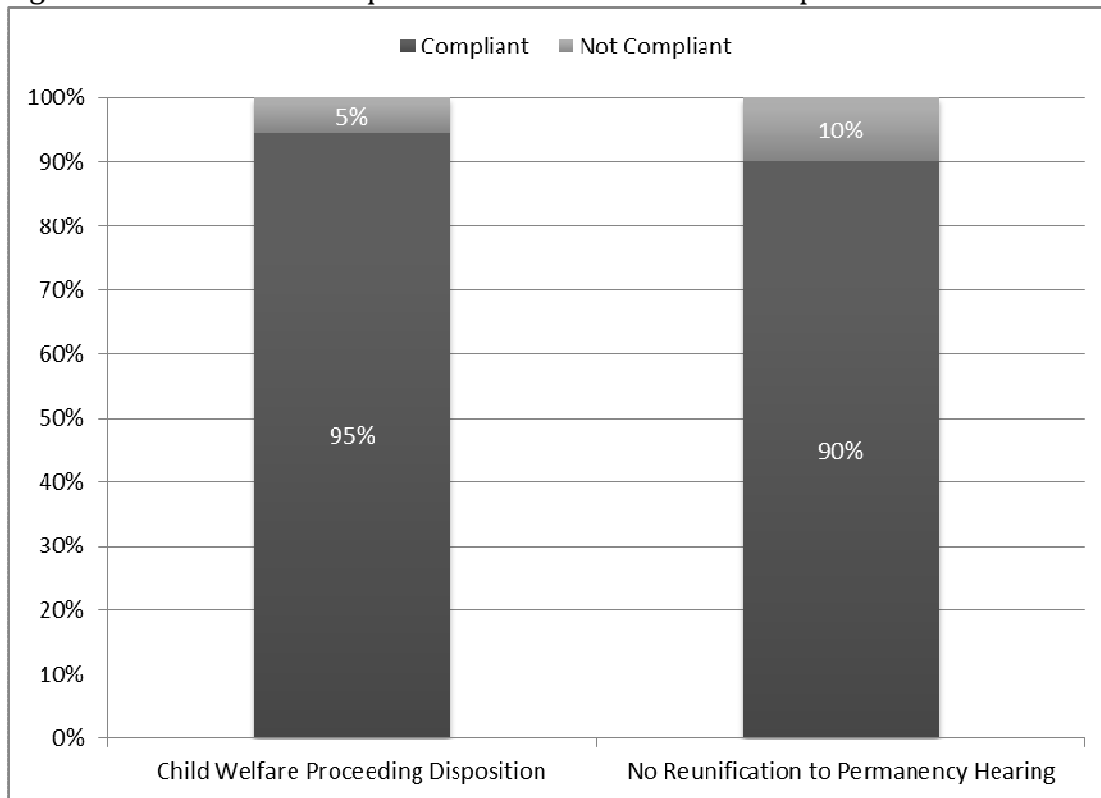
In many cases, dispositional orders are entered at the adjudication hearing. Of 1,622 dispositional hearings, 95% occurred within the 30 day requirement. Nearly half of the remaining cases were impacted by a stipulation of the parties.

§78A-6-312(10)(c): If, at any time, the court determines that reunification is no longer a minor’s primary permanency goal, the court shall conduct a permanency hearing in accordance with Section 78A-6-314 on or before the earlier of:

- (i) 30 days after the day on which the court makes the determination described in this Subsection(10)(c); or*
- (ii) The day on which the provision of reunification services, described in Section 78A-6-314, ends.*

Of the 243 cases in which the court terminated reunification services, permanency proceedings were conducted within 30 days of the no reunification decision in 90% of the cases. The most frequent reason cited for delay was a stipulation of the parties, which also accounted for nearly 50% of the non-compliant cases.

Figure 2. Child Welfare Disposition & No Reunification Graphs



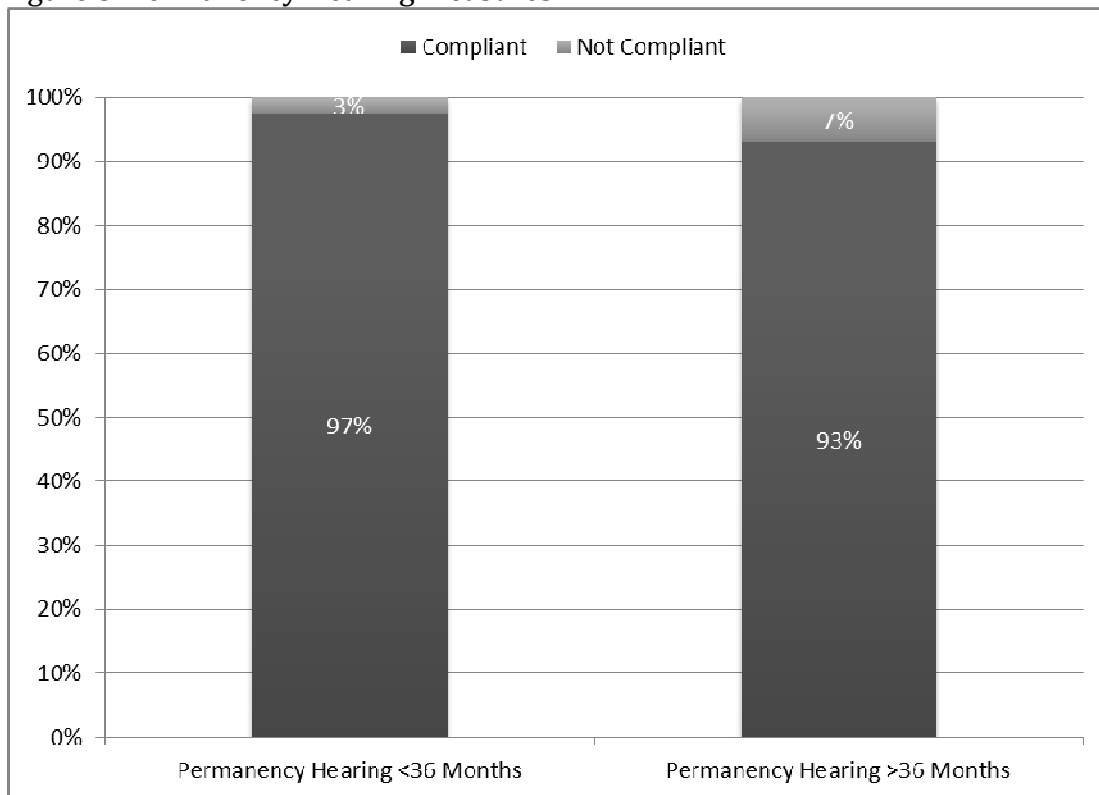
Permanency Hearings and Petitions for Termination (§78A-6-314)

(1) (a) When reunification services have been ordered in accordance with Section 78A-6-312, with regard to a child who is in the custody of the Division of Child and Family Services, a permanency hearing shall be held by the court no later than 12 months after the day on which the minor was initially removed from the minor's home.

Historically, Utah's child welfare statutes imposed two standards for permanency: a twelve month standard for children over 36 months of age, and an eight month standard for children 36 months or younger. Legislation that became effective on May 14, 2013, removed the eight month requirement previously contained in Section 78A-6-312(17). Consequently, FY2013 is the last year that the eight month standard will be included in this report. Reporting in subsequent years will measure the timeliness of all permanency hearings on a 12-month standard.

Of the 784 cases with the over 36 months of age standard, 93% had a permanency hearing within twelve months of removal. Of the 357 children under 36 months of age, 97% had permanency hearings within 8 months of removal. The most frequently cited reasons for delay in either age group were a stipulation of the parties or the court's calendar.

Figure 3. Permanency Hearing Measures



(10) If the final plan for the minor is to proceed toward termination of parental rights, the petition for termination of parental rights shall be filed, and a pretrial held, within 45 calendar days after the permanency hearing.

In cases in which the final plan was to proceed toward termination of parental rights, eighty-two percent of those petitions were filed and a pre-trial scheduled within 45 calendar days. The court sets a termination of parental rights pretrial hearing if the child's permanency goal is changed to adoption, but must rely on counsel for the timely filing of petitions for termination.

While there are multiple reasons for delay at this stage of the proceeding, the most common reasons are: 1) a stipulation of the parties; 2) unavailability of counsel; or 3) failure of the party to appear or unable to locate the party. Stipulation of the parties accounted for 50 percent of cases outside of standard. Delay can be due, in part, to a general reluctance to petition for termination of

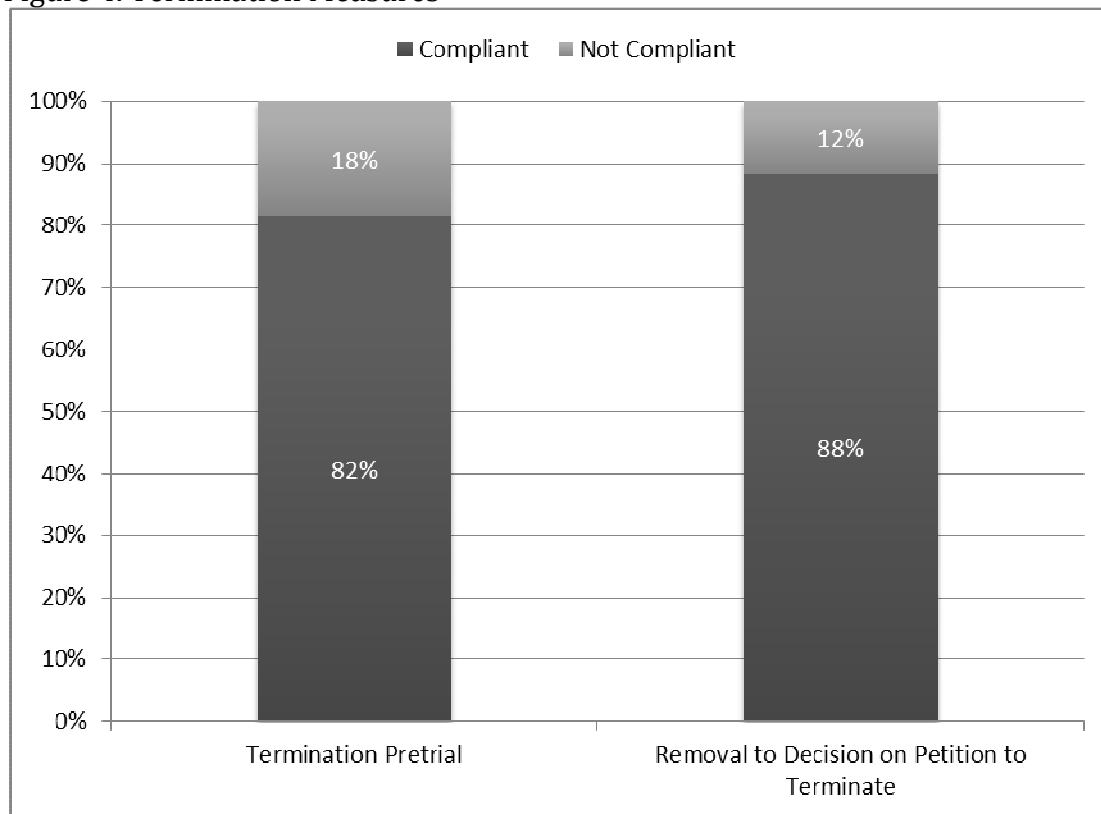
parental rights unless a child is already placed in a home likely to result in adoption. Delay may also result from the state’s inability to locate one or both of the parents for service of the petition, or when paternity questions are unresolved.

Decisions on Petitions to Terminate Parental Rights (§78A-6-314)

(13)(c) A decision on a petition for termination of parental rights shall be made within 18 months from the day on which the minor is removed from the minor’s home.

When measuring the timeliness of decisions on termination petitions, 88% met the statutory requirement. Timeliness in this area is also reliant on both the court and counsel. After the court renders a decision, the court requires the prevailing party to submit a proposed order to the court for signature. Forty percent of noncompliant cases were attributed to a stipulation of the parties.

Figure 4. Termination Measures



Protective Services Supervision Petitions (“PSS”) §78A-6-309

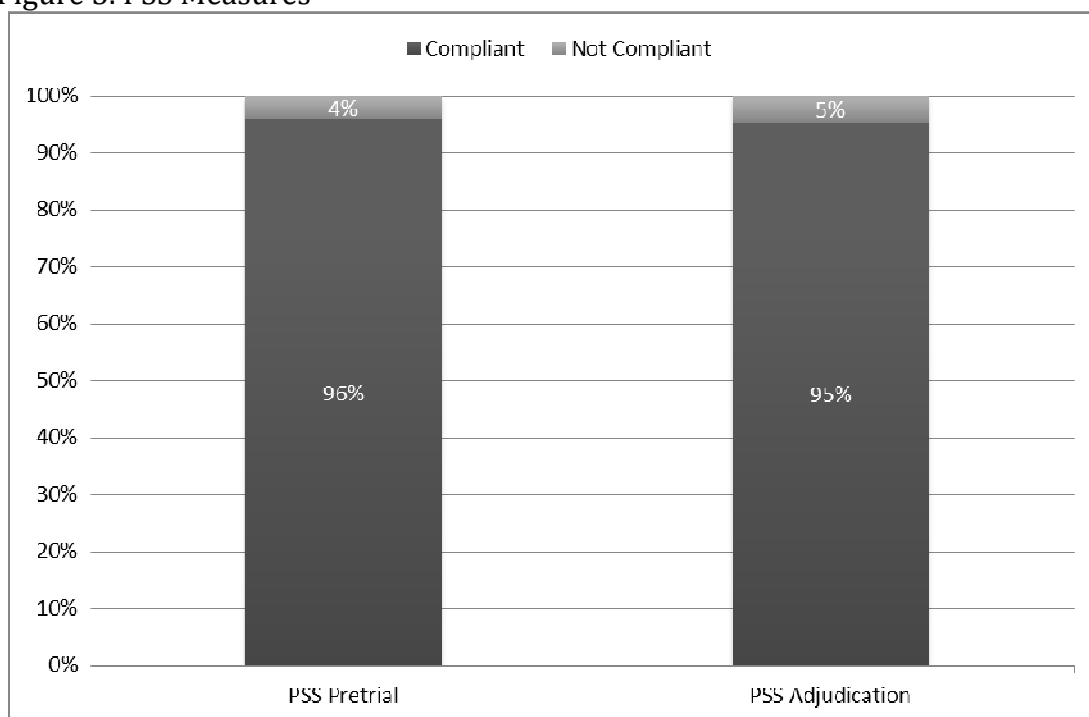
(1) Upon the filing of a petition, the clerk of the court shall set the pretrial hearing on the petition within 15 calendar days from the later of: (a) the date of the shelter hearing; or (b) the filing of the petition.

(2) The pretrial may be continued upon motion of any party, for good cause shown, but the final adjudication hearing shall be held no later than 60 calendar days from the later of: (a) the date of the shelter hearing; or (b) the filing of the petition.

In PSS cases, families receive court-ordered services from the Division of Child and Family Services while the children remain in their homes or the home of a relative. PSS cases must be set for pretrial in 15 days and for an adjudication trial in 60 days. Although the statutory guidelines do not require the judiciary to report information regarding the timeliness of Protective Services Supervision (“PSS”) cases, this information has been reported since 2004 because it represents a significant volume of petitions filed.

During fiscal year 2013, 1,346 PSS petitions were filed. Pre-trial hearings were held within 15 days of filing in 96% of the cases. During the same period, 1,230 PSS cases were tracked from filing to adjudication and 95% received the required adjudication hearing within 60 days.

Figure 5. PSS Measures



III. Reasons for Delay and Delay Reduction Strategies

The CARE child welfare time line reporting system allows clerks to document the reasons for non-compliant cases in which a hearing is not timely held. The most frequently cited reasons for delay involve stipulated agreements of the parties, scheduling conflicts and requests from counsel. The Juvenile Court continues to manage the need to grant appropriate continuances against compliance with statutory timeframes. This involves a delicate balance between applying time

standards and the overarching need to provide for the safety, well-being and permanency of court involved children.

The Juvenile Court engages in a process of continuous quality improvement in measuring and reporting compliance data. To improve performance, the Board of Juvenile Court Judges, Trial Court Executives, and Clerks of Court review child welfare time line data biannually and monitor progress with statutory compliance. In addition, data is reviewed at an annual meeting of Presiding Judges and Trial Court Executives, which includes discussions on the efficient use of judicial resources, case processing methods and moving to electronic records. The Juvenile Court is in the second year of a two-year plan for electronic conversion of records. The availability of electronic case records is improving accuracy of record keeping and data quality. The Court continues to work to improve data entry, data quality, and reporting to more effectively identify, track, and address cases not in compliance with statutory time lines.

IV. Conclusions

The judiciary thanks the Panel for this opportunity to report and share information on the efforts of Utah's Juvenile Court to ensure timely permanency for children. As always, legislative representatives are welcome to observe child protection proceedings to gain a better understanding of the child welfare process. The Juvenile Court encourages all legislators to take advantage of this opportunity to observe juvenile court practice first hand. Please contact Dawn Marie Rubio, Juvenile Court Administrator, or Katie Gregory, Assistant Juvenile Court Administrator to facilitate court observation or supply any additional information that the Panel may require.

Overview of Child Welfare Measures—July 1, 2012 to June 30, 2013

	Statutory Deadline	Incident Count	Compliant	Not Compliant	Percent Compliant
Shelter	3 days	1,343	1,321	22	98%
Child Welfare Proceeding Pretrial	15 days	1,646	1,618	28	98%
Child Welfare Proceedings Adjudication	60 days	1,648	1,600	48	97%
Child Welfare Proceeding Disposition	30 days	1,622	1,536	86	95%
No Reunification to Permanency Hearing	30 days	243	218	25	90%
Permanency Hearing <36 Months	8 months	357	347	10	97%
Permanency Hearing >36 Months	12 months	784	728	56	93%
Termination Pretrial	45 days	510	416	94	82%
Removal to Decision on Petition to Terminate	18 months	303	268	35	88%
PSS Pretrial	15 days	1,346	1,291	55	96%
PSS Adjudication	60 days	1,230	1,172	58	95%

[Last Run Date: September 25, 2013 at 3:49 P.M.]